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41

December 12, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/954,773 for
SOYBEAN SUDDEN DEATH SYNDROME RESISTANT
SOYBEANS, SOYBEAN CYST NEMATODE RESISTANT
SOYBEANS AND METHODS OF BREEDING AND
IDENTIFYING RESISTANT PLANTS
Our Ref. No. 1268/2/2

Sir:

Please find enclosed the following:

1. Response to Restriction Requirement including a Request for Extension of Time (3 pages); and
2. A return-receipt postcard to be returned to our offices with the U.S. Patent and Trademark filing stamp thereon.

Please contact our offices if there are any questions.

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Arles A. Taylor, Jr.
Registration No. 39,395

AAT/ptw
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 12, 2003.

Patty Wilson
Date of Signature December 12, 2003

1638



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 12, 2003.

Patty Wilson
Patty Wilson
Date of Signature December 12, 2003

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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lightfoot et al. Group Art Unit: 1638

Serial No.: 09/954,773 Examiner: Krouse, David

Filed: September 18, 2001 Docket No.: 1268/2/2

Confirmation: 8934

For: SOYBEAN SUDDEN DEATH SYNDROME RESISTANT SOYBEANS,
SOYBEAN CYST NEMATODE RESISTANT SOYBEANS AND
METHODS OF BREEDING AND IDENTIFYING RESISTANT PLANTS

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Restriction/Election Requirement dated September 16, 2003, having a 1-month term for Response that expired on October 16, 2003. Applicants hereby request a two-month extension of time extending the period for response up to and including December 16, 2003. Please charge Deposit Account No **50-0426** in the amount of \$210.00 for a small entity. Favorable consideration is respectfully requested in view of the following Election and Remarks.

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

<u>Groups</u>	<u>Claims</u>	<u>Subject Matter</u>
I	1, 3 and 4	A method of conveying soybean sudden death resistance into non-resistant soybean germplasm comprising introgressing resistance using one or more nucleic acid markers.
II	8-14 and 33	A quantitative trait loci associated with resistance to soybean sudden death syndrome mapping to a linkage group in the soybean genome.
III	22, 24-28 and 35	A soybean plant.
IV	30 and 31	A method for identify soybean sudden death syndrome resistance to soybean cyst nematode resistance in a soybean plant using SDS resistance gene or a SCN resistance gene.
V	36 and 37	An isolated soybean rfs1 gene.
VI	38-42	A method of determining soybean sudden death syndrome resistance in a soybean plant comprising culturing infected tissue.

APPLICANTS' ELECTION

Applicants hereby elect the invention of Group VI, claims 38-42, drawn to a method of determining soybean sudden death syndrome resistance in a soybean plant comprising culturing infected tissue, for prosecution at this time.

REMARKS

Claims 1, 3, 4, 8-14, 22, 24-28, 30, 31 and 35-42 are now pending in the subject U.S. patent application. Claims 1, 3, 4, 8-14, 22, 24-28, 30, 31 and 35-42 as filed have been subjected to a Restriction/Election Requirement.

Application Serial No.: 09/954,773

In response to the Restriction/Election Requirement, applicants have elected the claims of Group VI, claims 38-42, for prosecution at this time.

Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter.

CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

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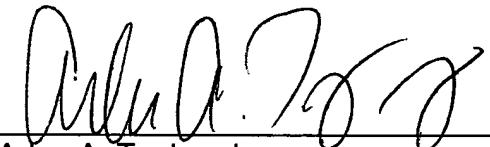
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number **50-0426**.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: 12/12/2003

By:


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